

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F055741 People v. Baker

The commitment order is affirmed. The request for judicial notice of OAL Determination No. 19, filed with this court on November 5, 2008, is granted. Wiseman, Acting P.J.

We concur: Levy, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F056367 People v. Torres

The judgment is reversed. Gomes, J.

We concur: Wiseman, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F056543 People v. Barrios

The above-entitled case is submitted for decision.

F056543 People v. Barrios

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F055796 People v. C.S.

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F054280 People v. Hernandez

The jury's true finding on the attempted murder special allegation is ordered stricken due to instructional error. The trial court's imposition of the indeterminate term on court 2, attempted murder, life in prison with the possibility of parole, is ordered vacated since it was based on the attempted murder special allegation. If the prosecution elects to retry the special allegation, it must notify the trial court and defense counsel of this election within 60 days after this opinion becomes final. If the prosecution fails to give timely notice or elects not to retry the special allegation, or if retrial results in a finding that the special allegation was not proven, the trial court may impose the appropriate determinate term for attempted murder. The judgment is otherwise affirmed. The trial court shall issue an amended abstract of judgment after the above referenced

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contingencies have been resolved and forward a copy to the appropriate authorities. Kane, J.

We concur: Cornell, Acting P.J.; Dawson, J.

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**F057075 S.W. v. The Superior court of Fresno County; Fresno Co. Department of
Children and Family Services.**

The petition for extraordinary writ is denied.

By the Court.

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